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Michael J. Shortley, III



December 16, 1994 FILE COPY ORIGINAL

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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DEC 19 1994

FCC MAIL ROOM

Re: ET Docket No. 94-32

Dear Mr. Caton:

Enclosed for filing please find an original plus nine (9) copies of the Comments of Rochester Telephone Corporation in the above-docketed proceeding.

To acknowledge receipt, please affix an appropriate notation to the copy of this letter provided herewith for that purpose and return same to the undersigned in the enclosed, self-addressed envelope.

Very truly yours,

Michael J. Shortley, III

cc: International Transcription Service

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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DEC 19 1994

FCC MAIL ROOM

In the Matter of

)

)

Allocation of Spectrum Below

)

5 GHz Transferred from

)

Federal Government Use

)

ET Docket No. 94-32

**COMMENTS OF ROCHESTER
TELEPHONE CORPORATION**

Rochester Telephone Corporation ("Rochester") submits these comments in response to the Commission's Notice of Proposed Rulemaking in this proceeding.¹ Rochester supports the proposal of Southwestern Bell that the 2390-2400 MHz band be paired with the 2300-2310 MHz band and used for fixed wireless local loop service.² Reserving this spectrum for the provision of local loop service will help exchange carriers to bring service to certain portions of their territories on a more economical basis than is possible with either conventional wireline or basic exchange radio telephone service ("BETRS") technologies. As such, reserving this spectrum for wireless loop service will serve the public interest by helping to hold down the cost of providing basic exchange service to high-cost areas and would result in an efficient utilization of scarce spectrum resources.

¹ *Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use*, ET Dkt. 94-32, Notice of Proposed Rulemaking, FCC 94-272 (Nov. 8, 1994) ("Notice").

² *See id.*, ¶ 13.

Particularly in higher-cost rural areas, the costs of deploying conventional wireline facilities can be extremely expensive. Use of radio-based technologies may help reduce the costs of serving these areas.³ The ability to utilize fixed, wireless alternatives to conventional wireline technologies is particularly important to Rochester's Tier 2 subsidiaries -- many of which service predominantly rural and suburban exchanges. Several of Rochester's Tier 2 subsidiaries currently utilize BETRS technology to provide their subscribers with basic exchange service. BETRS, however, is not adequate to fulfill the demand for wireless local loop service.⁴ Thus, the allocation of additional spectrum for wireless loop technologies would materially assist in the provision of affordable telephone service to high-cost areas.

If the Commission adopts this allocation plan, it will also need to modify certain other proposals contained in the Notice. *First*, rather than defining license areas by regulation, the Commission should permit licensees to define their own license areas and provide interference protection to such licensee-defined areas. Smaller exchange carriers -- whose service territories encompass far less than a major trading area, or even a basic trading area⁵ -- simply would not need this large a license area to utilize wireless loop technologies to provide telephone service. In addition, permitting exchange carrier licensees to

³ Wireless loop technologies could also be utilized to serve urban and suburban exchanges with high-cost characteristics.

⁴ See USTA's Petition for Rulemaking in RM-8159.

⁵ Cf. Notice, ¶ 9 (seeking comment on use of specifically-defined license areas).

determine their own license areas will permit more intensive use of this spectrum by multiple licensees in adjacent areas.

Second, there would be no need for the Commission to allocate this spectrum in one or two MHz channel blocks.⁶ The nature of the service would, instead, define its use and would, therefore, obviate the need to apportion further these spectrum bands. Allocating the two, paired 10 MHz blocks for wireless loop service would provide exchange carriers with the necessary spectrum to offer basic exchange service through the use of radio-based alternatives to conventional wireline technology.

Third, the Commission would not need to utilize auctions to award licenses for wireless loop services. Effectively, there could only be one licensee per service area. Thus, one of the prerequisites for utilizing auctions -- the existence of mutually exclusive applications -- would not exist. By refraining from auctioning licenses for wireless loop service, the Commission would, in addition, help keep the cost of providing local exchange service down, thereby promoting the goal of the provision of affordable telephone service to all areas of the country.

⁶

See id.

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For the foregoing reasons, the Commission should act upon the proposals contained in the Notice in the manner set forth herein.

Respectively submitted,



Michael J. Shortley, III

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December 16, 1994